

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>Eric Robinson,</b>	)	
	)	<b>CASE NO. 1:19 CV 01209</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE PATRICIA A. GAUGHAN</b>
	)	
<b>Vs.</b>	)	
	)	
	)	
<b>Commissioner of Social Security,</b>	)	<b><u>Memorandum of Opinion and Order</u></b>
	)	
<b>Defendant.</b>	)	

**INTRODUCTION**

This matter is before the Court upon the Report and Recommendation of Magistrate Judge Kathleen B. Burke (“R&R”)(Doc. 18) recommending that the decision of the Commissioner be affirmed. Plaintiff filed objections to the R&R. For the reasons that follow, the R&R is hereby ACCEPTED and the decision of the Commissioner is AFFIRMED.

**STANDARD OF REVIEW**

When objections are made to a Magistrate Judge’s Report and Recommendation, the

district court reviews the case *de novo*. Federal Rule of Civil Procedure 72(b) provides in pertinent part:

The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

### **ANALYSIS**

As set forth below, the Court incorporates the R&R into this Opinion. Therefore, the Court need not repeat the medical history, which is thoroughly recited by the Magistrate Judge. Plaintiff objects to the R&R on two grounds. Each will be addressed in turn.

Plaintiff first objects to the Magistrate Judge's "failure to require the ALJ to accurately analyze" the opinion of Dr. Siosin, a consultative examiner. Plaintiff did not raise this argument with the Magistrate Judge and may not do so for the first time in an objection to the R&R. *See Peterson v. Burris*, 2017 WL 8289655, at \*3 (6th Cir. 2017) ("Issues raised for the first time in objections to a magistrate judge's report and recommendation are deemed waived.") Indeed, the argument plaintiff raised to the Magistrate Judge was regarding the weight that the ALJ assigned to Dr. Williams, his treating physician. While plaintiff referenced Dr. Siosin's opinion, it was used to support the argument that Dr. Williams' opinion was improperly considered by the ALJ. (*See* Doc. 14 at 20). As accurately noted by the Magistrate Judge, plaintiff did not separately raise an argument that the ALJ improperly weighed and considered the opinion of Dr. Siosin. Accordingly, this argument is waived and the objection is not well-taken.

Plaintiff next objects to the Magistrate Judge's conclusion that the ALJ's decision is

supported by substantial evidence. In support, plaintiff observes that the ALJ characterized the diagnostic testing as “minimal,” despite x-rays showing moderate to severe disc space reduction and prominent anterior osteophyte formation. Plaintiff also points to examination findings of moderate tenderness, reduced spinal range of motion, positive straight leg raises, and pain with rising. Plaintiff argues that the ALJ was required to give “good reasons” for the rejection of this medical evidence. However, while ALJs are required to provide “good reasons” for rejecting treating source opinions, there is no such requirement for medical evidence in general.

Moreover, a review of the ALJ opinion confirms that the ALJ thoroughly reviewed the record, including the diagnostic and examination findings noted by plaintiff. In addition to the findings highlighted by plaintiff, the ALJ also noted findings of a normal gait, full motor strength, normal sensation and reflexes, and a normal range of motion. Upon review, the Court agrees with the Magistrate Judge that the ALJ decision is supported by substantial evidence. Accordingly, plaintiff’s objection is not well-taken.

### **CONCLUSION**

For the foregoing reasons, the Court ACCEPTS the R&R, which is adopted as if fully set forth herein. The decision of the Commissioner is AFFIRMED.

IT IS SO ORDERED.

Date: 8/24/2020

/s/Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
United States District Judge  
Chief Judge